

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES AND EXCHANGE COMMISSION, :

Applicant, :

- against - :

GERALD FAUTH, :

Respondent. :

Case No. 21-mc-783 (LJL)

ECF CASE

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ORDER TO SHOW CAUSE

WHEREAS, the Securities and Exchange Commission (the “Commission”) applied for an order directing Respondent Gerald Fauth (“Respondent”) to show cause why he should not be ordered to appear for testimony as called for by the Commission’s May 26, 2020 subpoena (the “Subpoena”);

WHEREAS, the Court has considered the application filed by the Commission and the memorandum of law and declaration, with exhibits, filed in support of the application;

WHEREAS, based upon these documents, the Court is satisfied that the Commission has made a sufficient and proper showing in support of the relief sought in its application, and therefore:

I.

IT IS HEREBY ORDERED that Respondent shall appear before this Court on October 29, 2021 at 3 pm by telephone by dialing into the Court's teleconference number at 888-821-2909, Access Code 2123101 and following the prompts, to show cause why the Court should not issue an Order:

(a) directing Respondent to appear for testimony pursuant to the Subpoena, no later than November 2, 2021, or another date acceptable to the Commission staff, with such accommodations as may be reasonably required by Fauth and acceptable to the Commission;

(b) directing that, in the event Respondent does not appear for testimony by the date set forth above in paragraph (a):

(i) the Commission will have established a prima facie case of civil contempt against Respondent for failing to comply with the Order directing his appearance for testimony;

(ii) Respondent may be held in civil contempt for failure to comply with that Order without further notice or hearing; and

(c) granting the relief in the foregoing paragraphs (a) through (b) in the event that Respondent fails to appear before this Court at the date and time set forth above.

II.

IT IS FURTHER ORDERED that a copy of this Order and the papers supporting the Commission's application be served upon Respondent on or before October 22, 2021, by overnight mail.

III.


IT IS FURTHER ORDERED that Respondent shall file and serve any opposing papers in response to the application no later than October 27, 2021. Service shall be made by delivering the papers by that date to Nancy A. Brown at the Commission's New York Regional Office via email to brownN@sec.gov. Respondent shall also email any opposing papers to the Chambers of the Honorable Lewis J. Liman, United States District Judge, at LimanNYSDChambers@nysd.uscourts.gov.

The Commission shall have until October 28, 2021, to serve any reply papers on Respondent to any email address furnished by Respondent. The Commission shall email any reply papers to the Chambers of the Honorable Lewis J. Liman, United States District Judge, at LimanNYSDChambers@nysd.uscourts.gov.

SO ORDERED.

Dated: New York, New York

October 21, 2021


LEWIS J. LIMAN
United States District Judge